

RECEIVED

JUN 10 2008

CARTER LEDYARD & MILBURN LLP

**PCT LEGAL
ADMINISTRATION**

Keith D. Nowak
Partner

Direct Dial: 212-238-8610
E-mail: nowak@clm.com

Counselors at Law

2 Wall Street
New York, NY 10005-2072

Tel (212) 732-3200
Fax (212) 732-3232

701 8th Street, N.W., Suite 410
Washington, DC 20001-3893
(202) 898-1515

570 Lexington Avenue
New York, NY 10022-6856
(212) 371-2720

June 10, 2008

Client No.: HOP07.019

Total pages (including cover): 10

FAX TRANSMITTAL

NAME/COMPANY	TELEPHONE NUMBER	FACSIMILE NUMBER
Examiner Rafael Bacares PCT Legal Examiner	571-272-3276	571-273-0459

Please confirm receipt via return fax or email at varghese@clm.com

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

- PLEASE CALL OUR OPERATORS (212) 238-8729 IF ANY PAGES ARE NOT RECEIVED -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Reuben Hoppenstein *et al.*

Application No.: 10/572,411

I.A. Filing Date: November 8, 2005

For: IMPROVED VEHICLE CHASSIS

)
)
) Confirmation No.: 2511
)
)
)
)
)
)
)
)
)
)

RENEWED REQUEST UNDER 37 CFR § 1.497(d) TO CORRECT
INVENTORSHIP

Mail Stop Petition
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a Renewed Request to Correct Inventorship Under 37 C.F.R. § 1.497(d), to change and correct the inventive entity set forth in the international application by properly adding Reuben Hoppenstein as an inventor and applying this change to the above-identified patent application. This Renewed Request confirms that Applicants October 4, 2008 response sufficiently complied with the Notice of Defective Response of September 4, 2007 wherein Applicants submitted the following:

- Statement of Reuben Hoppenstein in Support of Petition to Correct Inventorship Under 37 C.F.R. § 1.497(d)
- Executed Declaration for Utility or Design Application Using an Application Data Sheet
- Statement Under 37 C.F.R. § 3.73(b)
- Application Data Sheet

6339910.1

- Processing fee of \$130.00 set forth in 37 C.F.R. § 1.17(i).

On March 6, 2008, the U.S.P.T.O. mailed a decision to the Petition under 37 C.F.R. § 1.497(d) to Applicants previous law firm. However, the U.S.P.T.O.'s immediate-prior correspondence to the Applicant dated September 4, 2007 was to Applicant's new address. Applicant had supplied the new address to the U.S.P.T.O. in a Change of Correspondence form that was received and recorded by the OIPE on September 22, 2006. Applicant was not aware of the March 6, 2007 decision until June 4, 2008. That same day Applicant called and left a message with Examiner Bacares.

In the conference call of June 9, 2008, Examiner acknowledged the error in the mailing and extended Applicants response date to August 9, 2008, two months from the June 9, 2008 conference call. In this conference, Applicant also brought to the Examiner's attention the error noticed in the "Discussion" section regarding submission of an assignment under #3. Applicant informed Examiner that the latest copy of assignment had been submitted with the October 4, 2007 filing and supported the statement with reference to the Patent Assignment Abstract of Title. The abstract shows the only assignment filed in the U.S.P.T.O. was received on March 30, 2006. Applicant has no knowledge about any later filed assignment recorded on April 6, 2006. After reviewing the Patent Assignment Abstract, Examiner agreed and requested a statement be made in Applicant's response. Accordingly, Applicant affirms that a copy of the proper assignment was submitted with the petition on the October 4, 2007 date.

To expedite the pending matter, Examiner approved Applicant's submitting the present Renewed Response via facsimile to Examiner Bacares' facsimile number 571-273-0459.

Accordingly, Applicants request that this Petition be granted and the application begin accelerated examination as was granted by the Office of Petitions on April 26, 2007.

Applicant believes no fees are due at this time as the processing fee set forth in 37 C.F.R. § 1.17(i) was properly submitted with Applicant's October 4, 2007 petition. If, however, fees are due, the Commissioner is authorized to charge Deposit Account No.

50-2499 for any fee that remain due with this correspondence. The Commissioner is also authorized to charge any additional fees or credit any overpayments during the pendency of this application to Deposit Account No. 50-2499.

Respectfully submitted,

Dated: June 10, 2008

By: /Keith D. Nowak/

Keith D. Nowak
Attorney for Applicant
Reg. No. 27,367
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
Telephone No.: (212) 238-8610
Facsimile No.: (212) 732-3232



PTO/SB/122 (01-06)

Approved for use through 12/31/2009. OMB 0651-0039
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/572,411
Filing Date	March 16, 2006
First Named Inventor	Hoppenstein, Reuben
Art Unit	
Examiner Name	
Attorney Docket Number	HOP07.019

Please change the Correspondence Address for the above-identified patent application to:

☐ The address associated with
Customer Number:

OR

☒ Firm or
Individual Name Keith D. NowakAddress Carter Ledyard & Milburn LLP
2 Wall Street

City New York

State NY

Zip 10005

Country US

Telephone (212) 238-8610

Email nowak@clm.com

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record. Registration Number 27,367
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature Typed or Printed
Name Keith D. NowakDate 9/19/06

Telephone (212) 238-8610

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFU

Atty. Docket No. HOP07.019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Reuben Hoppenstein

Application No.: 10/572,411

Filed: March 16, 2006

For: **IMPROVED VEHICLE CHASSIS**

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

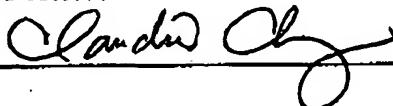
I hereby certify that this correspondence and the documents listed below are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 19, 2006
Date

Documents included:

- Change of Correspondence Address - Patent SB/122 (1 pg.)
- Return Postcard.


Signature

Claudia Chavez
Typed or Printed Name of Person Signing Certificate

Phone Number: (212) 238-8757

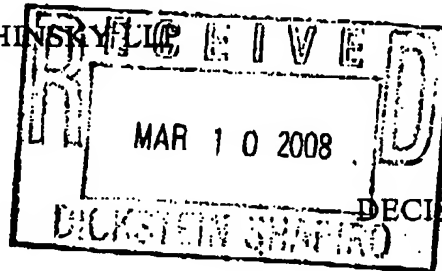


UNITED STATES PATENT and TRADEMARK OFFICE

06 MAR 2008

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Keith D. Nwak
DICKSTEIN SHAPIRO MORIN & OSHINSKY
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714



In re Application of
Hoppenstein et al
Application No.: 10/572,411
International App. No.: PCT/US2005/040349
Int. Filing Date: 08 November 2005
Priority Date: 16 March 2005
Attorney's Docket No.: H7885.00.18
For: IMPROVED VEHICLE CHASSIS

DECISION ON

REQUEST UNDER

37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE AND PETITION UNDER 37 CFR 1.497(d) TO CORRECT INVENTORSHIP" filed on 04 October 2007, naming additional inventor, Reuben Hoppenstein, in the executed declaration. The \$130.00 processing fee has been charged to Deposit Account No. 50-2499.

BACKGROUND

On 08 November 2005, applicants filed international application No. PCT/US2005/04039 and claiming a priority date of 16 March 2005.

On 16 March 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 16 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date in that the declaration not signed by inventor (Day, Robin). The notice also indicated that the items set forth above must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 04 October 2007, applicants filed a an executed declaration which included an additional inventor, and a request for correction of inventorship under 1.497(d) to add Rueben Hoppenstein to the declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statement submitted 04 October 2007 by Rueben Hoppenstein is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been charged to the Deposit Account.

With respect to item (3), applicants did not submit the latest copy of the executed assignment to the assignee in the file, which was recorded on 04/06/2006 instead applicants submitted the assignment filed on 03/30/2006, which appears to improper. To establish the right of the Assignee to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Application No.: 10/572,411

3

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



- Patent eBusiness
 - Electronic Filing
 - Patent Application Information (PAIR)
 - Patent Ownership
 - Fees
 - Supplemental Resources & Support

- Patent Information
 - Patent Guidance and General Info
 - Codes, Rules & Manuals
 - Employee & Office Directories
 - Resources & Public Notices

- Patent Searches
 - Patent Official Gazette
 - Search Patents & Applications
 - Search Biological Sequences
 - Copies, Products & Services

- Other
 - Copyrights
 - Trademarks
 - Policy & Law
 - Reports

Secured Patent Application Information Retrieval

XML Download **Order Certified Application As Filed** **Order Certified File Wrapper** **View Order List**

10/572,411 Vehicle Chassis

Selected New Class

Application Data

Translation History

Union File Wrapper

Commitment Data

Utilities

Assignments

Publication Review

Patent Assignment Abstract of Title

Total Assignments: 1
Application #: 10572411
Filing Dt:
PCT #: NONE
Inventor: Robin Day
Title: Vehicle Chassis
Patent #: NONE
Publication #: NONE
Issue Dt:
Pub Dt:

Assignment: 1
Reel/Frame: 017724 / 0272
Received: 03/30/2006
Recorded: 03/16/2006
Mailed: 06/05/2006
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Exec Dt: 11/01/2005
Exec Dt: 11/01/2005
Pages: 4

Assignors: HOPPENSTEIN, REUBEN
DAY, ROBIN D.

Assignee: COCKY COACH LLC
422 E 72ND STREET, SUITE 36A
NEW YORK, NEW YORK 10021

Correspondent: KEITH D. NOWAK
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
41ST FLOOR
NEW YORK, NY 10036-2714

Disclaimer:
Assignment information on the assignment database reflects assignment documents that have been actually recorded. If the assignment for a patent was not recorded, the name of the assignee on the patent application publication or patent may be different. If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 571-272-3350

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5601
RECIPIENT ADDRESS	2127323232
DESTINATION ID	
ST. TIME	06/10 12:33
TIME USE	03'45
PGS.	10
RESULT	OK